

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT
HOUSTON DIVISION**

**KELLY DOYLE
WALTER DOYLE**

VS.

**NATIONSTAR, DBA
MR. COOPER**

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CIVIL ACTION NO. H-20-3633

PLAINTIFF'S MOTION FOR CONTEMPT

October 23, 2020 Defendant Nationstar removed this case to Federal Court and filed a motion to dismiss dated October 26, 2021. January 19, 2021 Plaintiff filed her Amended Second Petition. February 5, 2021 this court ordered both parties to mediation by May 3, 2021. Plaintiff contacted Defense counsel Durham for possible dates and times for mediation. Defense counsel now refuses to mediate. See attached letter from Defense counsel, attached and incorporated by reference. It appears defense counsel now demands discovery responses, immediately in violation of the Federal Rules of Civil Procedure although no written discovery has been propounded. Defendant to date, still has not yet filed an answer in this litigation.

Respectfully submitted,

s/ DavidMcKeand____
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing document was served on the parties through the court's electronic notification system as permitted by the Local Rules of the U.S. District Court for the Southern District of Texas, or by first class United States Mail, postage prepaid, the 4th day of March, 2021.

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February 16, 2021

VIA E-MAIL

David S. McKeand
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**RE: *Kelly Doyle and Walter Doyle v. Nationstar Mortgage LLC d/b/a Mr. Cooper*
U.S. District Court for the Southern District of Texas—Houston Division
Case No. 4:20-cv-03633**

Mac:

The Court's minute entry dated February 5, 2021 [Dkt. 13] gave you permission to file the amended complaint attached to Plaintiff's Request for Leave to Amend His Complaint [Dkt. 12 and 12-1]. When will you file that amended complaint? This case is at a standstill until you do so. *See* Dkt. 13 ("Nationstar may []move to dismiss as appropriate after the Doyles file the amended complaint.")

Also, at the status conference held on February 5, 2021, the Court ordered the parties to exchange their respective files. Since then, Nationstar produced relevant loan file documents to you. However, I have not received any documents from you. Thus, the instant letter requests all documents relevant to the Doyles' claims, and all documents referenced in the to-be-filed amended complaint. Such production necessarily includes proof that the Doyles paid all tax assessments and insurance premiums due during the life of the loan. *See* Dkt. 12 ("Plaintiff filed his first amended Complaint ... and added more specific details including the fact that the Plaintiff had complied with all elements of his contract, including paying his taxes and insurance.")

The mediation deadline is set as May 3, 2021, per the Scheduling Order [Dkt. 14]. However, I cannot entertain mediation until you produce these documents.

Sincerely,

/s/ Matthew D. Durham

Matthew D. Durham